

JAN 15 2004

## JOINT PUBLIC NOTICE

January 21, 2004\*

Department of the Army  
New Orleans District  
Corps of Engineers  
Regulatory Branch  
P.O. Box 60267  
New Orleans, LA 70160

Phone (504)862-2258

State of Louisiana  
Department of Environmental Quality  
Office of Environmental Services

P.O. Box 4313  
Baton Rouge, LA 70821-4313

State of Louisiana  
Department of Natural Resources  
Coastal Management Division  
P.O. Box 44487  
Baton Rouge, LA 70804-4487

Phone (225)342-6140  
Fax (225)342-9439

COE Reviewer:  
**Linda Thompson**

DEQ Reviewer:  
**Melanie Bauder**

CMD Reviewer:  
**Chris Davis**

COE Number:  
**WZ 20-040-0921-1**

Water Quality Certification Number:  
**MB-040114-05**

Coastal Use Permit Number:  
**P20031826**

Interested parties are hereby notified that the Coastal Management Division of the Department of Natural Resources has received the following application for a Coastal Use Permit in accordance with the State and Local Coastal Resources Management Act of 1978, as amended, (Louisiana R.S. 49, Sections 214.21-214.41), and the rules and regulations of the Coastal Resources Program.

Additionally, interested parties are hereby notified that an application has been received by the District Engineer for a Department of the Army permit to authorize the following pursuant to: [ X ]Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), [ X ]Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and Provisions of Section 401 of the Clean Water Act (P.O. 95-217).

**NAME OF APPLICANT: BP America Production Company; c/o C. L. Jack Stelly & Associates, Inc.; Attn: Paul Hebert; P. O. Box 53353; Lafayette, LA 70505;**

**LOCATION OF WORK: St. Mary Parish, LA: Sections 2, 12, 13, & 15, T17S-R9E and Section 17, T17S-R10E; Horseshoe Bayou Area; manmade canals and Lone Oak Bayou;**

**CHARACTER OF WORK: Proposed levee repair and plug construction at six (6) locations. At each location, fill material will be acquired from the dredging of adjacent canal water bottoms. A total of 3,250 cubic yards will be displaced during all excavation activities. The purpose of the project is to halt water movement that is currently contributing to marsh loss.**

Approximately N/A acres of Essential Fish Habitat utilized by various life stages of red drum and penaeid shrimp would be altered or destroyed by this project. This information is provided to initiate federal consultation requirements pertaining to Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act.

\*This date represents the beginning date of the Corps of Engineers public notice period. The official date of the beginning of the public comment period for Coastal Use Permit and Water Quality Certification applications begins on the date of publication of the notice in the official state journal (The Advocate), in accordance with the Rules and Procedures for Coastal Use Permits, §723.C.5.c. The Coastal Management Division will inform interested parties of the exact date of publication on request.

THE APPLICANT MUST SECURE A STATE COASTAL USE PERMIT PLUS A DEPARTMENT OF THE ARMY PERMIT OR A GENERAL PERMIT AUTHORIZATION FROM THE CORPS OF ENGINEERS. INDEPENDENT EVALUATIONS AND DECISIONS WILL BE MADE BY THE COASTAL MANAGEMENT DIVISION AND THE CORPS OF ENGINEERS.

#### **State of Louisiana Coastal Use Permit Criteria**

Plans for the proposed work are now on file and may be inspected at the office of the Coastal Management Division, Department of Natural Resources, State Land and Natural Resources Building, 617 North 3rd Street, Room 1048, Baton Rouge, Louisiana. Written comments, including suggestions for modifications or objections to the proposed work and stating the reasons thereof, are being solicited from anyone having an interest in this permit request. Comments to the State of Louisiana, Coastal Management Division must be received within 25 days of the date of official journal publication of this notice. Comments may be faxed to us at (225) 342-9439 or may be emailed to us at the email address listed above. All comment letters should contain both the applicant's name and the appropriate application number and should be mailed to the Coastal Management Division, Louisiana Department of Natural Resources, P.O. Box 44487, Capitol Station, Baton Rouge, Louisiana 70804-4487.

The decision on whether or not to issue a Coastal Use Permit will be based on an evaluation of the probable impacts of the proposed activity in accordance with the state policies outlined in R.S. 49:214.22. The decision will reflect the national concern for both protection and utilization of important resources. The decision must be consistent with the state program and approved local programs for affected parishes and must represent an appropriate balancing of social, environmental and economic factors. All factors which may be relevant to the proposal will be considered; among these are flood and storm hazards, water quality, water supply, feasible alternative sites, drainage patterns, historical sites, economics, public and private benefits, coastal water dependency, impacts on natural features, compatibility with the natural and culture setting and the extent of long term benefits or adverse impacts.

Certification that the proposed activity will not violate applicable water and air quality laws, standards and regulations will be required before a permit is issued.

#### **State of Louisiana Water Quality Certification Criteria**

In accordance with the Joint Public Notice Agreement between Coastal Management Division and the Office of Water Resources, notice is hereby given that the applicant has applied to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provision of Section 401 of the Clean Water Act (P.L. 95-217).

Comments concerning this application can be filed with the Office of Environmental Services within ten days of this notice to the following address: Louisiana Department of Environmental Quality, Office of Environmental Services P.O. Box 82135, Baton Rouge, Louisiana 70884.

Additional information is on file with the above office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of printing. A final decision on this application will be made within 60 days after publication of this notice.

#### **Corps of Engineers Federal Permit Criteria**

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public, Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall

public interest of the proposed activity. Comments to the Corps of Engineers must be received up to and including 30 days from the date of the public notice and must be addressed to the Regulatory Functions Branch, U.S. Army Corps of Engineers, Post Office Box 60267, New Orleans, LA 70160-0267. All comment letters should contain both the applicant's name and the application number.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review and coordination with the National Marine Fisheries Service.

No properties listed in the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archaeological, scientific, prehistorical, or historical sites or data. Copies of this notice are being sent to the State Archaeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Department of Interior nor affect any habitat designated as critical to the survival and recovery of any endangered species.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant receives approval or waiver of the Coastal Use Permit by the Department of Natural Resources.

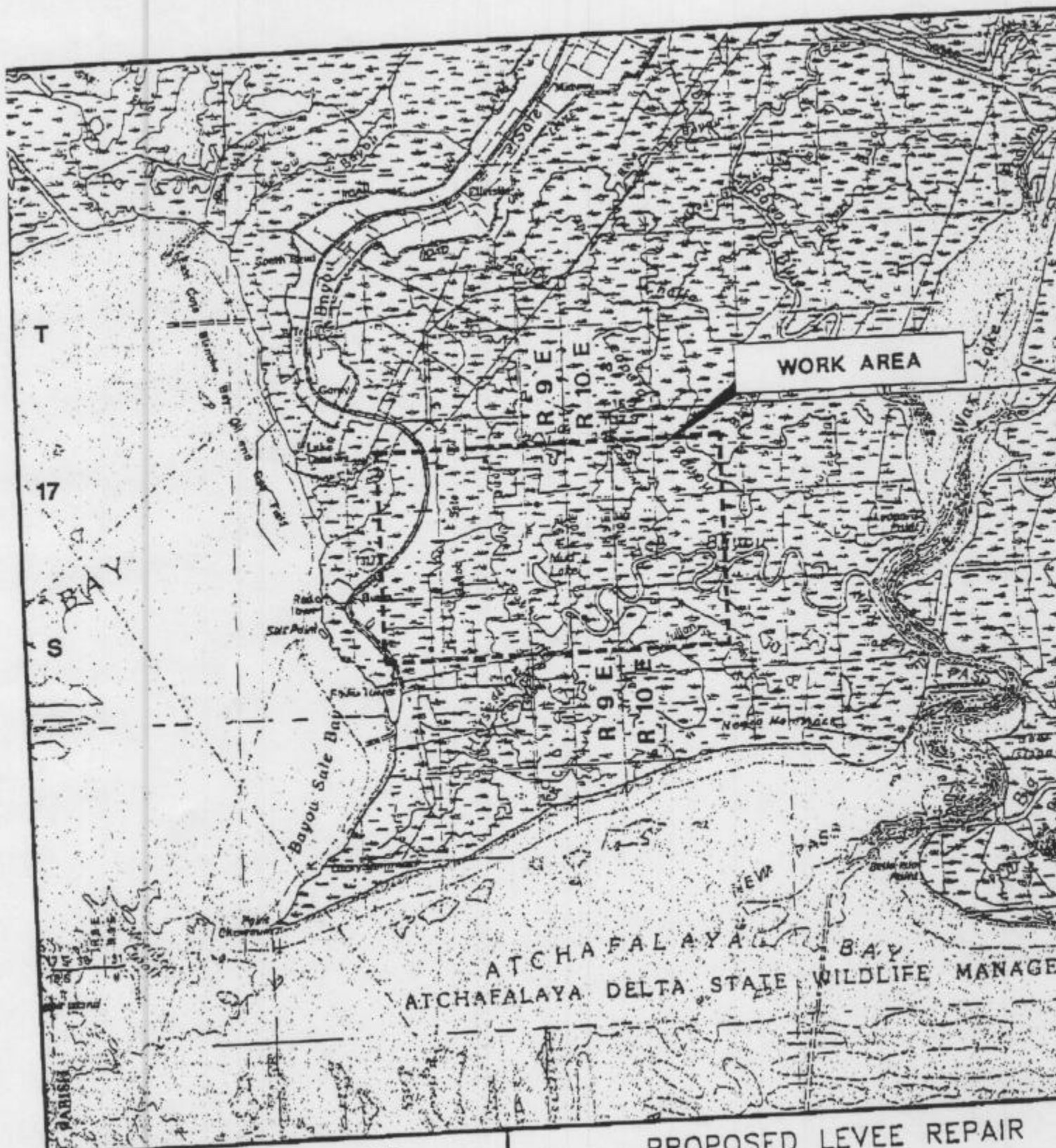
If the proposed work involves deposits of dredged or fill material into waters of the United States, the evaluation of the probable impacts will include the application guidelines established by the Administrator of the Environmental Protection Agency. Certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services before a permit is issued.

You are requested to communicate the information contained in this letter to any other parties whom you deem likely to have interest in this matter.

#### **Public Hearings**

Any person may request, in writing, within the comment period specified in this notice, that a State or Federal public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding a public hearing.





# VICINITY MAP

REPRODUCED FROM "ATCHAFALAYA BAY & MORGAN CITY"  
1 : 100,000 QUADRANGLE

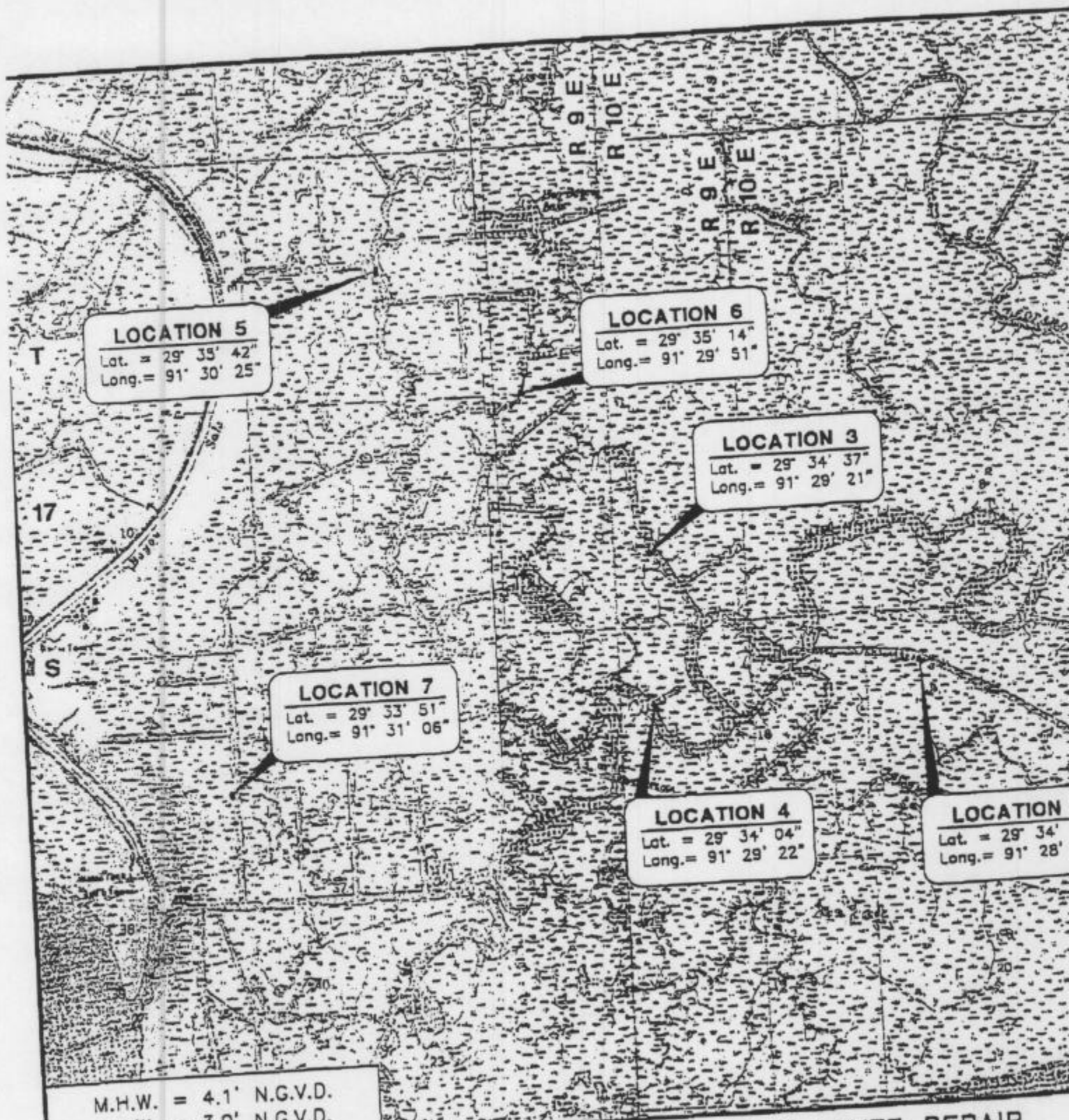
9.333' 0 9.333'

SCALE 1" = 9.333'

## PROPOSED LEVEE REPAIR HORSESHOE BAYOU AREA

ST. MARY  
APPLICATION BY:  
DECEMBER 16, 2003

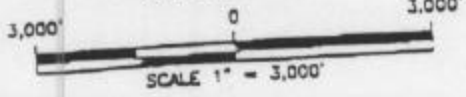
PARISH, LOUIS  
BP AMERICA PRODUCTION  
LAFAYETTE, LOUISIANA



M.H.W. = 4.1' N.G.V.D.  
M.L.W. = 3.0' N.G.V.D.

### LOCATION MAP

REPRODUCED FROM "SELLE ISLE", LA  
7.5' QUADRANGLE



## PROPOSED LEVEE REPAIR HORSESHOE BAYOU AREA

ST. MARY  
APPLICATION BY:  
DECEMBER 16, 2003

PARISH, LOUISIANA  
BP AMERICA PRODUCTION  
LAFAYETTE, LOUISIANA



# PLAN VIEWS

NO SCALE

## PROPOSED DREDGING

(70'L x 48'W x 4'D)  
(498 CU. YDS)

## REPAIR LEVEL

(70'L x 32'W x 6'H)

LOCATION 2

## PROPOSED DREDGING

(30'L x 23'W x 4'D)  
(102 CU. YDS)

## REPAIR LEVEL

(30'L x 15'W x 6'H)

LOCATION 3

## REPAIR EARTHEN PLUG

(40'L x 32'W x 6'H)

## PROPOSED DREDGING

(60'L x 32'W x 4'D)  
(284 CU. YDS)

LOCATION 4

## PROPOSED DREDGING

(120'L x 48'W x 4'D)  
(853 CU. YDS)

## REPAIR LEVEL

(120'L x 32'W x 6'H)

LOCATION 5

## PROPOSED DREDGING

(23'L x 20'W x 4'D)  
(71 CU. YDS)

EXISTING SLIP

## PROPOSED PLUG

(20'L x 15'W x 6'H)

LOCATION 6

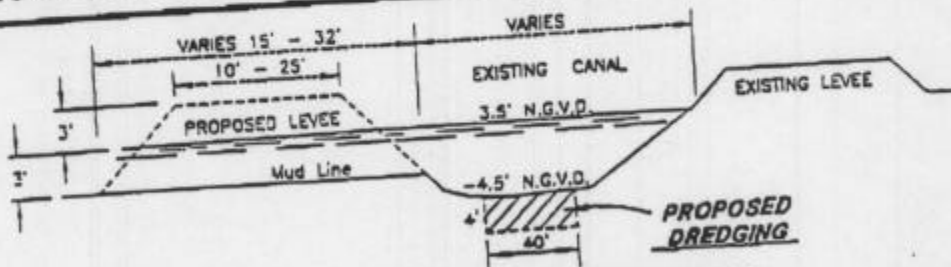
## PROPOSED DREDGING

(200'L x 48'W x 4'D)  
(1,442 CU. YDS)

## REPAIR LEVEL

(200'L x 32'W x 6'H)

LOCATION 7



## TYPICAL CROSS-SECTION

NO SCALE

## NOTES

1. APPROXIMATELY 3,250 TOTAL CUBIC YARDS OF EXCAVATION REQUIRED.
2. IN ORDER TO ENSURE THE SAFETY OF ALL PARTIES, THE PERMITTEE SHALL CONTACT LOUISIANA ONE CALL at (1-800-272-3020) A MINIMUM OF 48 PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION OR DEMOLITION ACTIVITY.

## PROPOSED LEVEE REPAIR HORSESHOE BAYOU AREA

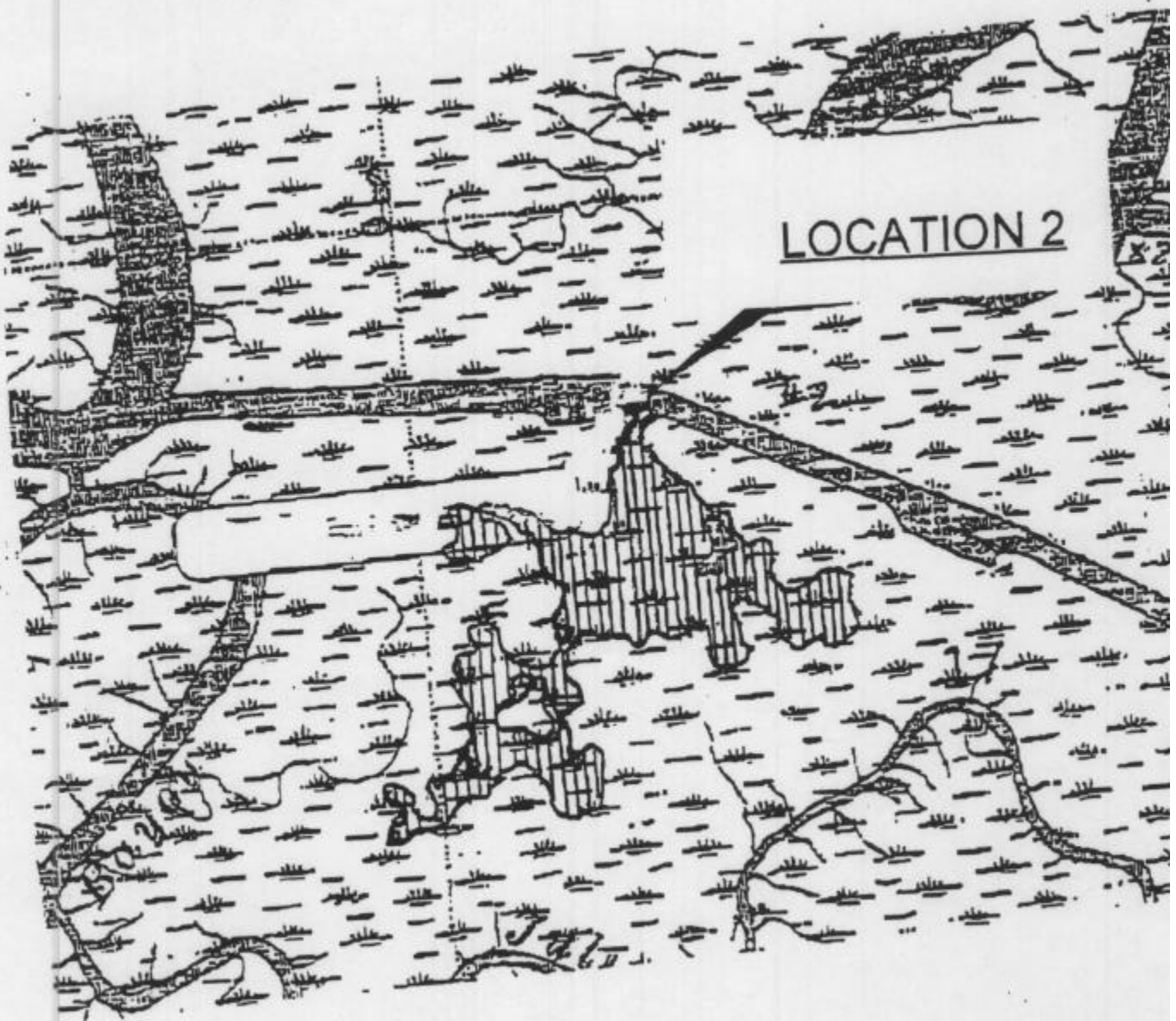
ST. MARY  
APPLICATION BY:  
DECEMBER 16, 2003

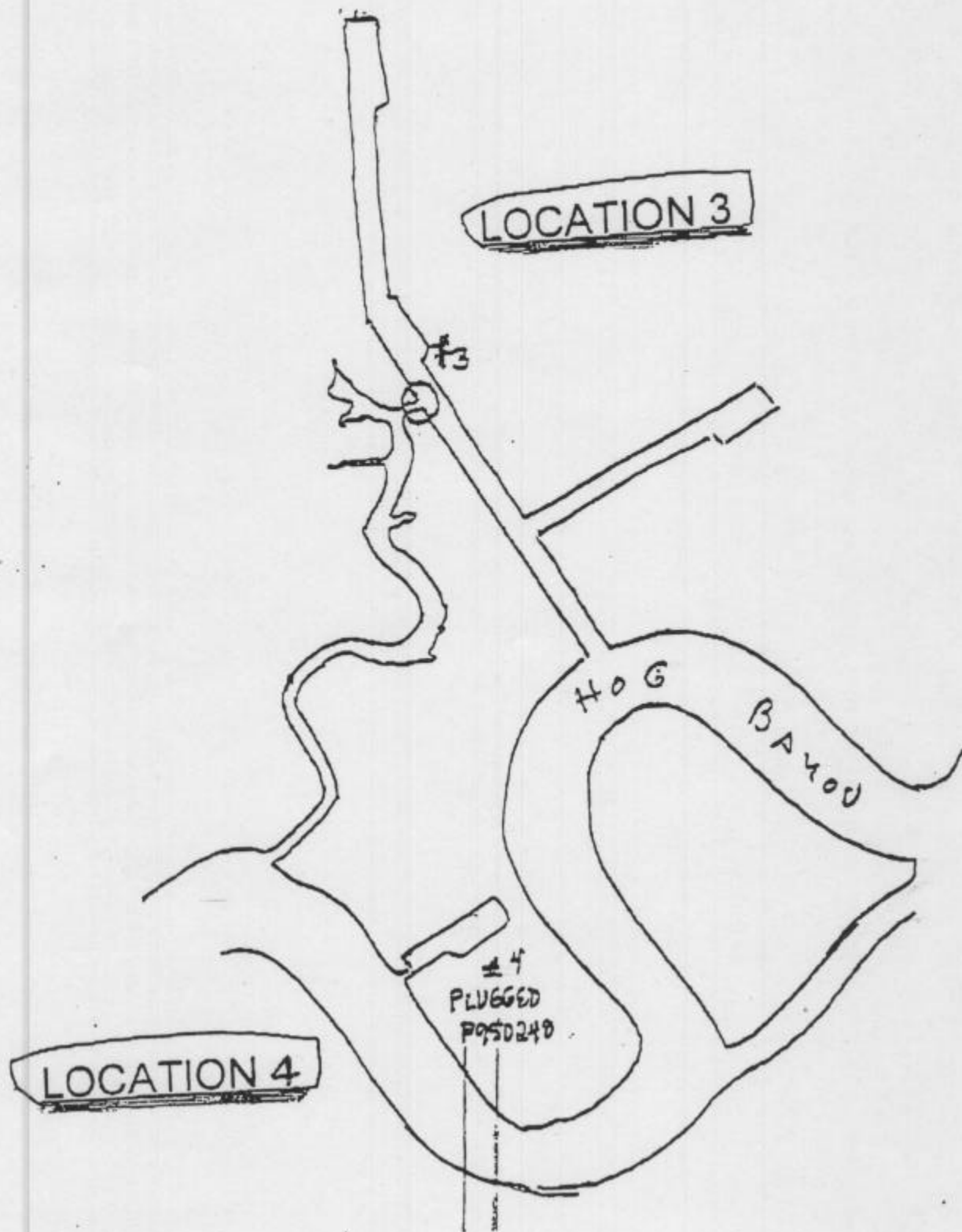
PARISH, LOUISIANA  
BP AMERICA PRODUCTION  
LAFAYETTE, LOUISIANA

PREPARED BY: ASSOCIATES, INC.

REVISIONS:

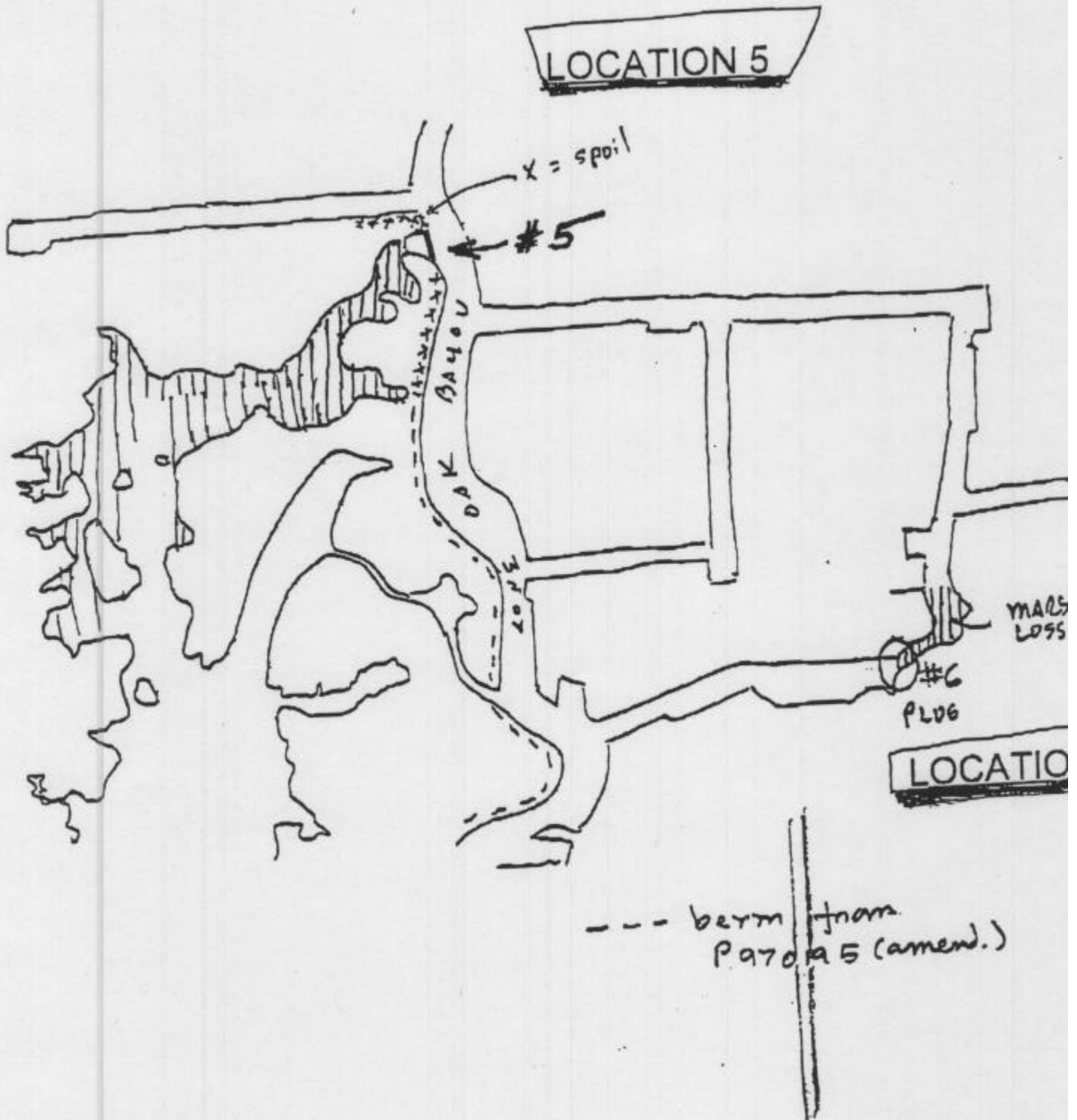
SHEET





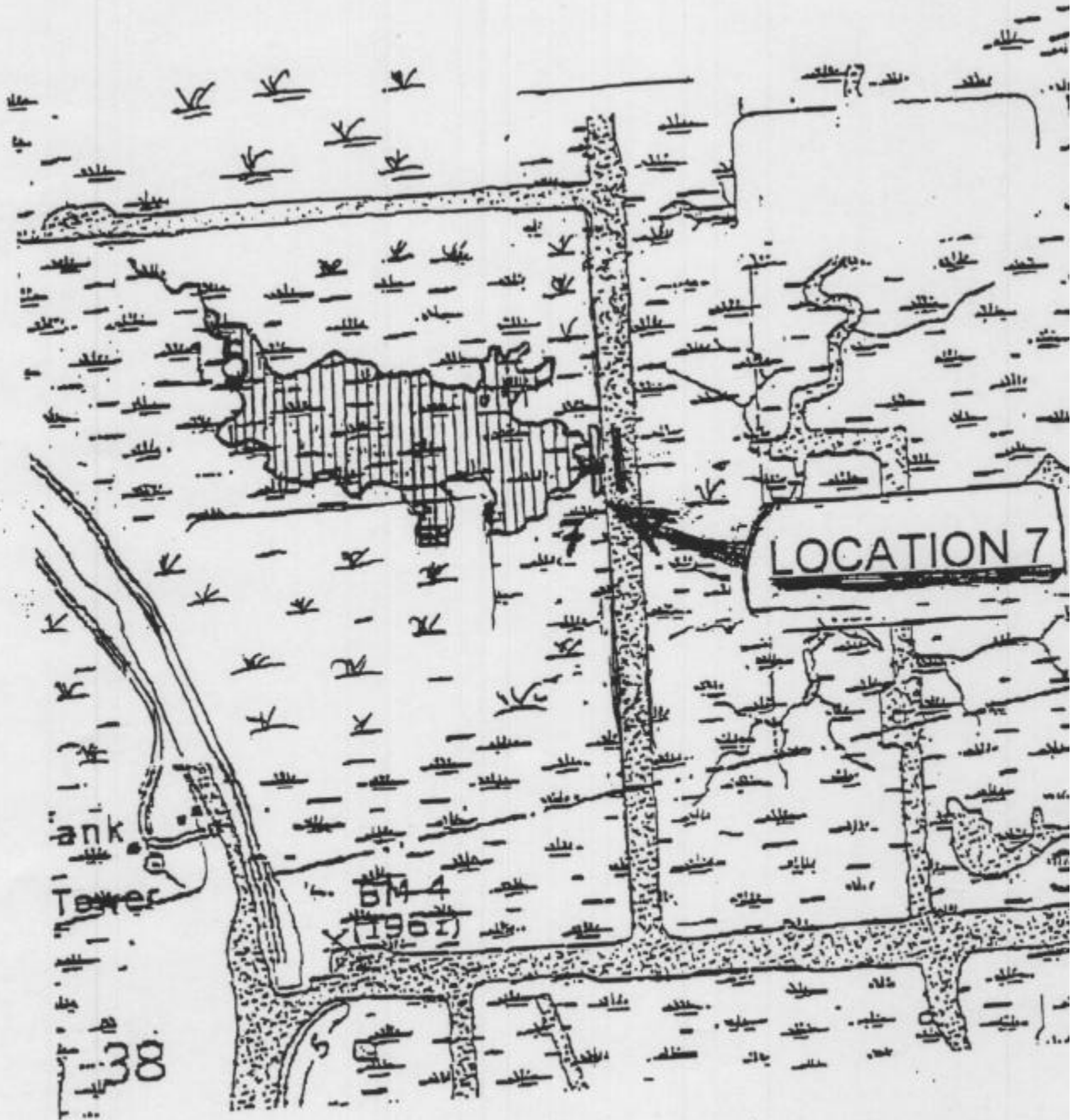
Sketches





Sketches

3 of 4



Sketches  
4 of 4

## DISCUSSION of the need for repairing breaks, gaps, and openings at six sites, designated as Locations 2 - 7.

### Location 2

#### -- Repair break in spoil bank on south side of manmade oilfield canal.

There had been a continuous spoil bank along the south side of this access canal until the 2002 Hurricane Lili breached the spoil and removed a large segment ( $\pm 30$  acres) of freshwater marsh and interconnected previously isolated freshwater ponds thereby creating another  $\pm 30$ -40 acres of open water. Restoration of the spoil bank will prevent scouring and deepening of this shallow open water area and promote reestablishment of emergent freshwater vegetation in the area damaged by the hurricane.

### Location 3

#### -- Repair break in spoil bank on west side of manmade oilfield canal.

This break needs to be repaired to prevent future scouring of a deeper channel connecting the canal to Horseshoe Bayou and thus prevent subsequent erosion of interior freshwater marsh.

### Location 4

#### -- Repair small gap in plug across oilfield canal.

This gap was created by Hurricane Lili in 2002. The plug was originally placed across the mouth of the canal under Permit Number P19950248 to prevent erosion at the northeast end of the canal and to prevent development of a cut-off of the Hog Bayou Meander loop located south east of the plug.

### Location 5

#### -- Plug break in marsh and spoil on west side of Lone Oak Bayou.

Hurricane Lili in 2002 removed marsh and preexisting spoil bank material between Lone Oak Bayou and a large open water area located west of Lone Oak Bayou. Approximately 40 acres of marsh was removed south and west of this opening at Lone Oak Bayou. This event threatens to undermine St. Mary Land & Exploration Co.'s efforts to restore this marsh and reestablish a solid expanse of marsh along the west side of Lone Oak Bayou. St. Mary Land & Exploration Co. and ExxonMobil were issued permit P19970195(Amended) to create a berm along the west side of Lone Oak Bayou and install approximately 6,000 cutgrass plants in front of and behind the berm. The berm and cutgrass withstood the hurricane and the cutgrass has expanded considerably since being planted in 2000. It is essential that the opening at the northern edge of Area 2, Subunits I, II, and III, as designated in P19970195(Amended), be repaired to prevent creation of a new channel for water movement that will subject the interior freshwater marsh to a higher energy regime, thereby scouring the highly organic substrate and eventually removing the remaining marsh located between Lone Oak Bayou and the east levee of Bayou Sale.



#### **Location 6**

##### **-- Plug opening at eastern end of oilfield canal.**

Hurricane Lili in 2002 exacerbated a small opening in the marsh and spoil at the northeast end of the canal and removed freshwater marsh along a  $\pm 600$  foot reach between this dead end canal and another oilfield canal to the northeast. It is crucial that a plug be installed at the end of the canal to prevent development of a deeper channel between the two canals that will continue to enlarge and erode the freshwater marsh.

#### **Location 7**

##### **-- Repair break in spoil bank on west side of manmade oilfield canal (Shortcut Canal).**

Hurricane Lili in 2002 removed a large segment of freshwater marsh ( $\pm 30$  acres) west of the Shortcut Canal and created a breach in the existing spoil bank. If the break is not repaired, the highly fluctuating water levels in the Shortcut Canal will move through the break and scour the newly exposed, highly organic substrate and create a deep-water body. Prevention of scouring and deepening of this area will promote natural reestablishment of emergent, freshwater vegetation.